




A fee of \$50.00, plus the cost of legal notice advertising, shall be paid to the City of Madison prior to any action by the Zoning Board of Adjustments and Appeals

**APPLICATION TO APPEAR  
BEFORE THE ZONING BOARD OF ADJUSTMENTS AND APPEALS  
FOR THE CITY OF MADISON, ALABAMA**

IN RE THE PETITION OF:

CASE NO.: 1074

  
Requestor's Signature Weldon H. Hill

\_\_\_\_\_  
Owner's Signature (if different than requestor)

**PETITION AND FORMAL REQUEST FOR  
BOARD OF ZONING ADJUSTMENT ACTION**

I. Date Submitted for Action: 3 October 2011

**II. Appeal Request From:**

A. Owner/Requestor (please specify if owner or agent of owner): \_\_\_\_\_

B. Present Zoning Classification: R-1A

**III. Nature of Appeal:**

A. From Decision of Administrative Officer - Sec. 10-7 of Zoning Ordinance: Non-Applicable

\_\_\_\_\_

\_\_\_\_\_



B. Application for Special Exception - Sec. 10-8 of Zoning Ordinance (Section of Zoning Ordinance under which Special Exception is sought): Non-Applicable

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C. Application for Variance (See Sec. 10-9 (1) (a) thru (e):  
Section 4-1-3 to reduce side yard setback from 30 ft to 25 ft.

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**IV. Description of Property:**

A. Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Street Address of Appropriate Location in City: \_\_\_\_\_  
114 Oakland Trace  
Madison, AL, 35758

**V. Representative appearing before Board of Adjustments and Appeals on applicant's behalf:**

A. Engineer or Architect: \_\_\_\_\_  
\_\_\_\_\_

B. Attorney: \_\_\_\_\_  
\_\_\_\_\_

C. Other: Applicant: Weldon Hill

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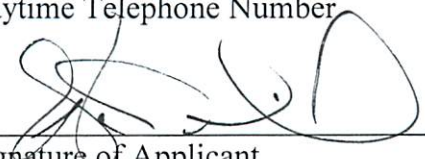
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Weldon Hill  
Name of Applicant

114 Oakland Trace  
Address

Madison, AL, 35758  
City State Zip

(256)955-4818  
Daytime Telephone Number

  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if different than Applicant)

**CERTIFICATION OF LIST OF ADJOINING PROPERTY OWNERS**

I, DAVID GHOSH, a(n) (circle one) Professional Engineer; Attorney; Registered Surveyor; or Bonded Abstractor, hereby certify that the following is a complete and current listing of all record property owners adjoining the exterior boundary of the subject property as of the date of this petition.

(L.S.)  #0019504  
Person Certifying Adjoining Property Owners

## Adjoining Property Owners

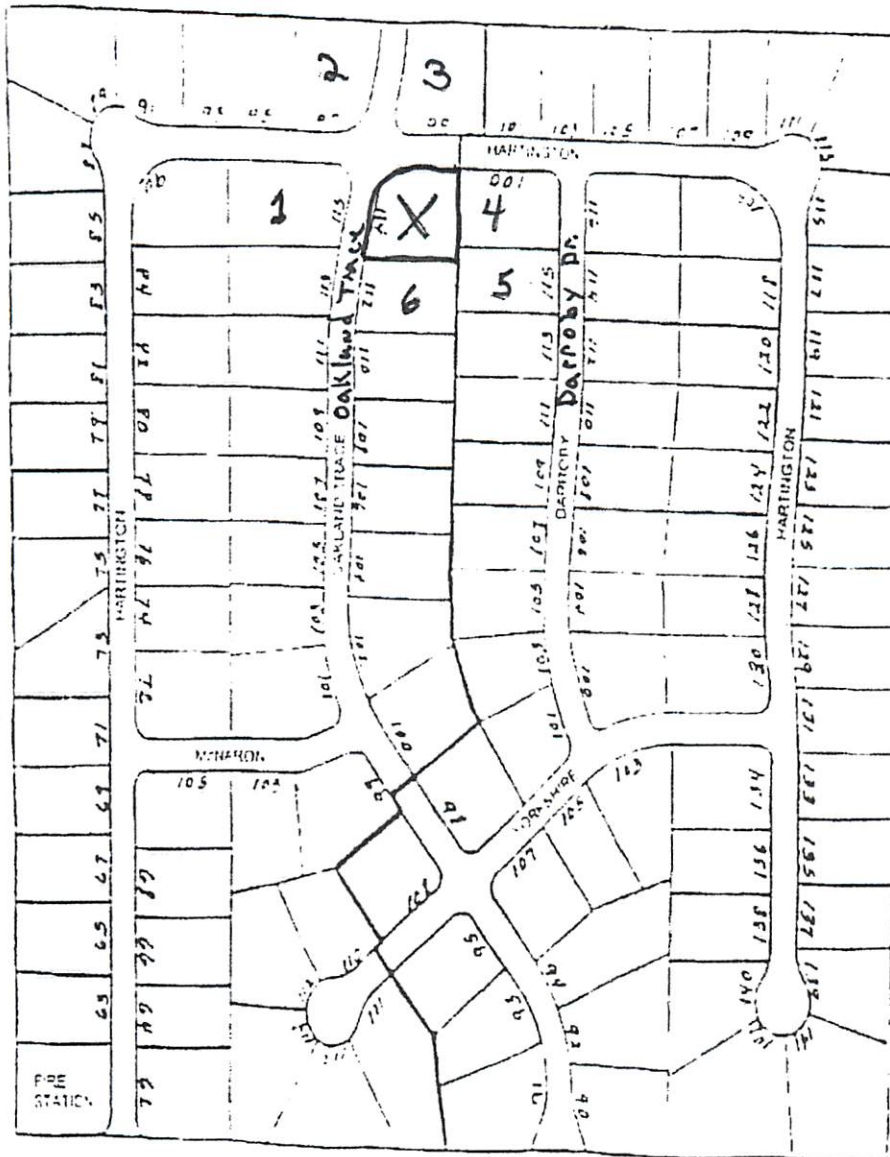
- 1.) 115 Oakland Trace: Jerry and Donna Pettipiece
- 2.) 97 Hartington Dr.: Mark and Lita Smith
- 3.) 99 Hartington Dr.: John and Angie Hood
- 4.) 100 Hartington Dr.: Michael and Jennifer Shandrew
- 5.) 115 Darroby Dr.: Ronald and Norma Merriweather
- 6.) 112 Oakland Trace: Claude and Carroll Sarphie

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THE MADISON ZONING BOARD OF ADJUSTMENTS AND APPEALS  
CHECKLIST FOR VARIANCE  
WORKSHEET

Name: Weldon H. Hill  
114 Oakland Trace  
Madison, AL, 35758

In order for a request for a variance to be granted by the Madison Zoning Board of Adjustment and Appeals, the following provisions found in Article X, Section 10-9 (1) (a) thru (e) should be satisfied.

1. An applicant shall submit to the Board of Adjustment a written application indicating:

*(a) That special conditions and circumstances exist that are peculiar to the land, structure, or buildings involved and are not applicable to other lands, structures, or buildings in the same district.*

Comments:

R-1A Residential Districts are required to have a 30 ft setback for side yards when on a corner lot. At 114 Oakland Trace there is 42 ft of setback from the property line and an additional 13 ft of setback from the property line to the street for a total of 55 ft.

*(b) That the literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

Comments:

A 20 ft garage extension would exceed the 30 ft surveyed Minimum Build Line (MBL) by 3'2" however, would be more than 30 ft off the street. Current configuration of the MBL and literal interpretation of the governing ordinance would prohibit any addition to the house.

*(c) That the special conditions and circumstances do not result from the actions of the applicant.*

Comments:

The current MBL and house location are circumstances beyond the control of the applicant.

*(d) That granting the Variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.*

Comments: The applicant wishes to add an additional bedroom to a 3 bedroom house. The current situation forces a 6 and 12 year old to share a bedroom and does not allow for visits from elderly parents. Selling the current home and buying another is not possible. Adding an attached garage facing the side street is the most viable option.

*(e) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or building in other districts shall be considered grounds for the issuance of a Variance.*

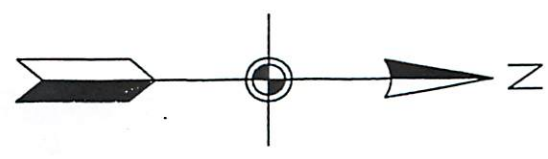
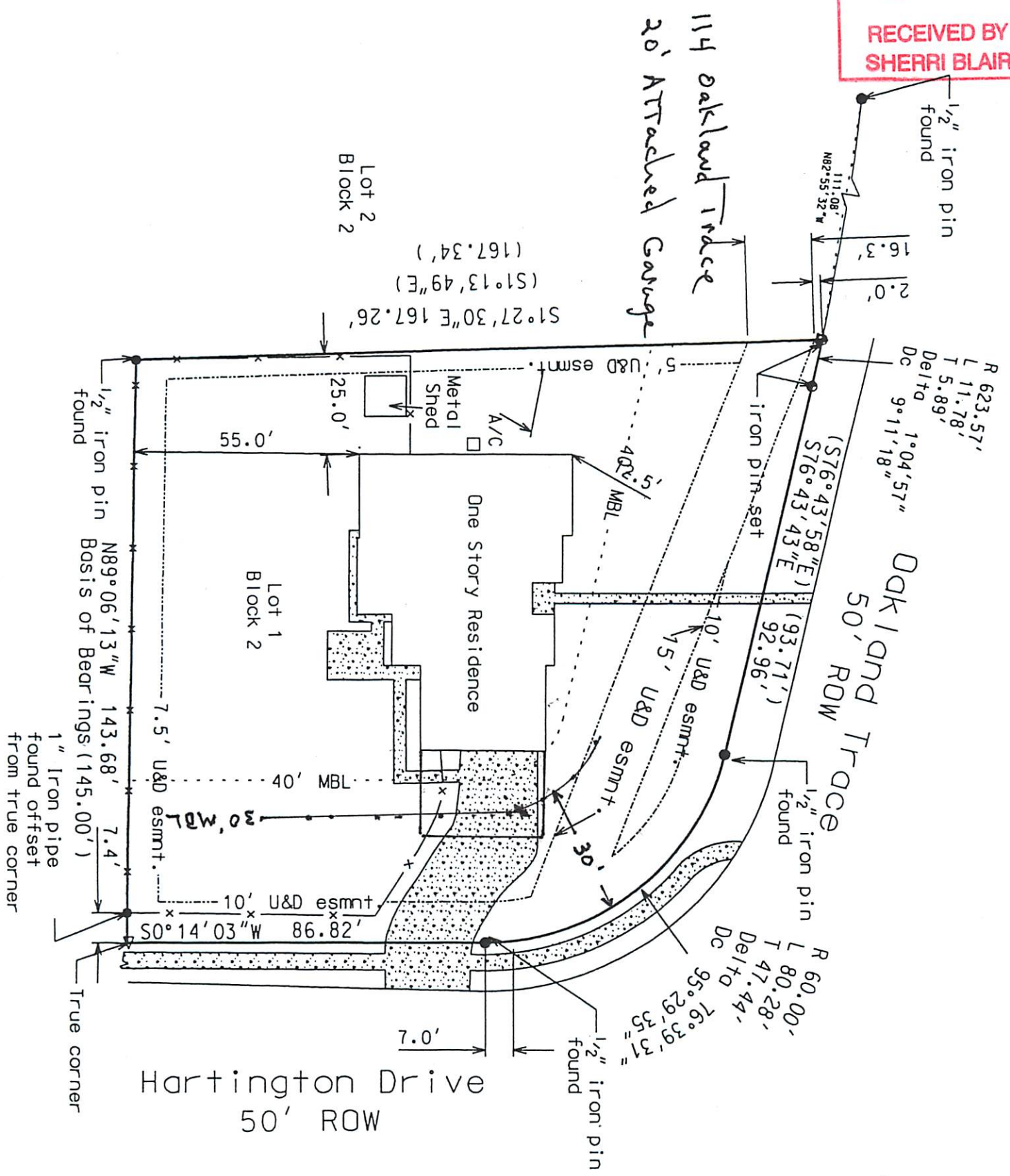
Comments: The grounds for this variance request are based on the literal interpretation of the governing ordinance and its impact upon the applicant.

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- Notes:
- 1) North arrow based upon lot line reference.
  - 2) Reference for survey: Subdivision Plat





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